

## NOTICE TO INMATES: Initiative on Executive Clemency

On April 23, 2014, the Department of Justice announced an initiative to encourage appropriate candidates to petition for executive clemency, seeking to have their sentences commuted, or reduced, by the President of the United States. In this notice, the Bureau of Prisons (BOP) provides you with information regarding the scope and intent of this new initiative.

Commutation of sentence remains unusual and extraordinarily rare. This initiative, however, invites petitions from non-violent federal inmates who would not pose a threat to public safety if released. In particular, this initiative is limited to inmates who:

- Are currently serving a federal sentence in prison and, by operation of law, likely would have received a substantially lower sentence if convicted of the same offense(s) today<sup>1</sup>;
- Are non-violent, low-level offenders without significant ties to large-scale criminal organizations, gangs, or cartels;
- Have served at least 10 years of their sentence;
- Do not have a significant criminal history;
- Have demonstrated good conduct in prison; and
- Have no history of violence prior to or during their current term of imprisonment.

You may choose to have an attorney to assist you in preparing a petition for clemency. You have the option of retaining counsel of your choice. We have also been asked to inform you that the Clemency Project 2014, a group of experienced criminal defense and non-profit lawyers, has offered to assist qualifying inmates with their petitions at no cost to you. If you would like to request that an attorney from the Clemency Project 2014 assist you with your clemency petition, please complete the Executive Clemency Survey via the TRULINCS Survey Service. At your request, we will forward your survey responses to the Clemency Project 2014. Once they receive the survey, it will be up to the Clemency Project 2014 to determine whether they will provide you with pro bono representation after considering whether or not you meet the criteria for this initiative.

Please note, if you submit the Executive Clemency Survey via TRULINCS, you should *not* submit your responses to the Clemency Project 2014 in writing as well.

---

<sup>1</sup> You may have received a substantially lower sentence today if, for example, you were sentenced to a mandatory minimum sentence for a crack cocaine offense that has since been lowered by the Fair Sentencing Act of 2010. Another example is if the sentencing guidelines were mandatory in your case and there is evidence that, if the judge was not constrained by the mandatory sentencing guidelines, he or she likely would have sentenced you to a lesser sentence.

If you do not wish to have an attorney assist you with your clemency petition and believe you meet the criteria outlined above, you should contact your unit team for the appropriate forms to complete. In addition to the clemency petition, you should also complete the Executive Clemency Survey by filling in the responses manually (not via the TRULINCS Survey).

If you meet the above-described criteria and have already submitted a petition for commutation of sentence to the Pardon Attorney, which is still under review, your application will be reviewed as part of this initiative. You are not required to submit a new application, but you may supplement your pending application if you wish to do so.

**THERE IS NO GUARANTEE THAT PETITIONS SUBMITTED WILL BE GRANTED.** This initiative creates no legal rights for petitioners. The rules governing petitions for commutation of sentence (see Title 28, Code of Federal Regulations Part 1, Sections 1.1 – 1.11) apply to all inmates regardless of the Department's new initiative. Petitions for commutation are not generally accepted from inmates who are presently challenging their convictions or sentences. A person who has previously been denied commutation of sentence becomes eligible to reapply for commutation one year from the date of the President's denial of the petitioner's last petition for this relief. Applicants are expected to be candid in their petitions. The Department may consult the sentencing judge and prosecuting authorities involved in the petitioner's case when considering the appropriateness of each petition. To learn more about these and other issues, you can review BOP Program Statement 1330.15, [Petition for Commutation of Sentence](#).

## EXECUTIVE CLEMENCY SURVEY

Commutation of sentence remains unusual and extraordinarily rare. However, if you believe you meet the criteria and would like to apply for commutation of sentence, please answer the following questions:

1. For what offense(s) were you convicted for which you are serving your current federal sentence?
  
2. What sentence did the judge originally impose?
  
3. When were you originally sentenced?
  
4. Were you given a longer sentence for possessing or using a weapon?  
Yes  No
  
5. Was your sentence later changed?  
Yes  No
  
6. If you answered yes to Question 5, what is your current sentence?
  
7. How much time have you served on your current sentence?
  
8. Are you currently appealing or challenging any part of your conviction or sentence?  
Yes  No
  
9. If you answered yes to Question 8, is that case pending?  
Yes  No

10. Have you been convicted of any other crimes besides the one(s) for which you are serving your current federal sentence?

Yes

No

11. Have you received any incident reports while serving your current sentence?

Yes

No

12. Would you like to request the assistance of an attorney from the Clemency Project 2014 to assist with your petition for commutation of sentence at no cost to you?

Yes

No

13. If you answered yes to Question 12, do you understand that your answers will not be forwarded to the Pardon Attorney and that instead the Bureau of Prisons will forward your answers to the Clemency Project 2014, a group of experienced criminal defense lawyers and non-profit organizations formed to address the Department of Justice's Clemency Initiative?

Yes

No

14. To the extent possible, please list the following information:

- Name – first, last, middle
- Date of Birth
- District Court Case Number
- Bureau of Prisons Facility Location and Address
- BOP Register Number
- District where sentenced
- Projected Release Date
- Attorney who represented you at sentencing -- please provide name and address if you know it
- Attorney(s) who previously represented you in any appeal, habeas proceeding, sentence reduction proceeding, or application for sentence commutation -- please provide name and address if you know it.
- If you currently have an attorney representing you in any aspect of your federal criminal case including an application for sentence commutation, please provide the attorney's name, address, and any other contact information if

you know it.

Please note that the Pardon Attorney may consult with prosecuting authorities and the judge involved in your case when considering the appropriateness of your petition, and as such, your full candor in this application is critical and will impact the likelihood of the success of your petition.

If you answered no to Question 12 and would like to submit a petition for commutation of sentence without the assistance of an attorney, your answers will be given to the Office of the Pardon Attorney as part of your petition. You may also retain paid or pro bono counsel of your choice to assist you with submitting a petition. If you have retained counsel, you may want to consult with that counsel before submitting responses to this survey.

If you answered yes to Question 12 and would like to request the services of an attorney from the Clemency Project 2014 to assist with your petition at no cost to you, the Bureau of Prisons will forward your answers to the Clemency Project 2014, a group of criminal defense lawyers and non-profit organizations dedicated to advancing the rights of criminal defendants and formed to address the Department of Justice's Clemency Initiative. The Clemency Project 2014 will review requests for assistance and connect those whose cases that the Project determines appear to meet the described criteria with Federal Public Defenders or pro bono counsel trained in the sentence commutation process. The Clemency Project 2014 does not guarantee you will be provided a lawyer to represent you in filing a petition for commutation. They will review your answers and let you know if you appear to meet the criteria, in which case you will be asked for more information. Everyone who requests the assistance of an attorney will receive a response via U.S. mail. PLEASE BE PATIENT AS THE PROJECT WILL BE HEARING FROM MANY PRISONERS. Do not send documents or other information until asked to do so.

Disseminated Compliments of: [www.FedCURE.org](http://www.FedCURE.org)